

A regular meeting of the Redmond City Council was called to order by Mayor Rosemarie Ives at 7:40 p.m. in the Council Chambers. Council members present were: Cole, Marchione, McCormick, Paine, Resha, Robinson, and Vache.

ITEMS FROM THE AUDIENCE

Patty Davies, 14455 NE 12th Place, Bellevue 98007, representing GlaxoSmithKline Pharmaceuticals (GSKP), informed the Council of several programs GSKP sponsors to assist members of the community in finding access to affordable medications. She wondered if the city would be willing to disseminate some of this information through city programs, website, senior center programs, wellness programs, and classes.

The Mayor asked Ms. Davies to leave her business card and materials with the City Clerk, and the city would review what would be appropriate to pass on to other people.

Korby Parnell, 8120 172 Avenue NE, urged the Council to consider a minor change to revised Policy UT-70.5 in the Comprehensive Plan regarding wireless Internet. He suggested incorporating the words "affordable" and "high speed" to capitalize on this valuable service in partnership with Old Town businesses and Redmond Town Center so it is available to as many city residents as possible.

Laura John, 9528 167 Avenue NE, concurred with Mr. Parnell's comments, adding that she would like to see a public/private partnership with Microsoft to make the service available to as many residents as possible.

CONSENT AGENDA

Motion by Ms. McCormick, second by Mr. Resha, to approve the following items of the Consent Agenda:

(1) approve the minutes of the regular meeting of October 5, 2004

(2) approve the following payroll/direct deposit and claims checks:

PAYROLL/DIRECT DEPOSIT CHECKS:

#159606 through 159698; and
#129118 through 129687 \$1,173,241.78

CLAIMS CHECKS:

#300001 through 300191 \$2,105,049.30

(3) approve a consultant agreement with R.W. Beck for preliminary design services for the Willows Business Center Stream Daylighting Project, Project No. 100384 (03-NR-39), in an amount not to exceed \$101,500 including contingencies, and authorize the Mayor to sign the agreement

(4) approve an agreement with the Washington Conservation Corps for restoration site maintenance services in an amount not to exceed \$40,000, Project No. 04-CI-88, and authorize the Mayor to sign the agreement

(5) approve Supplemental Consultant Agreement No. 3 in the amount of \$53,530 with Bruce Dees & Associates, Landscape Architects, Tacoma, Washington, for additional construction coordination and wetland/mitigation area monitoring services, Project No. 95-CI-80, and authorize the Mayor to sign the agreement

(7) approve the final plat of Portico Place, PRD 98-001/PPL 98-002, and authorize the Mayor to sign the Final Approval Order

(8) approve the final plat of Elm Court, PPL 00-002, and authorize the Mayor to sign the Final Approval Order

(9) approve Supplement 1 to Utility Construction Agreement, UT01015, between the City of Redmond and the Washington State Department of Transportation, Project No. 100209 (99-CI-46), and authorize the Mayor to sign the agreement

(10) approve the final contract amount with Lakeside Industries, Issaquah, Washington, for the base bid amount of \$1,658,347.75 plus change orders and bid item quantity increases and decreases, resulting in a final contract amount of \$1,528,343.29; and accept construction of West Lake Sammamish Parkway Rehabilitation, Project No. 01-MT-28, as of October 19, 2004

(11) approve the amendments to the Bellevue/Redmond Overlake Transportation Study (BROTS) Interlocal Agreement as

contained in Attachment A to the staff report dated October 19, 2004

(13) adopt Ordinance No. 2229, adopting the Hearing Examiner's September 27, 2004 recommendation to approve with conditions the Conover Commons Planned Residential Development (File L040122), and establishing an effective date, which was presented and read.

Upon a poll of the Council, Cole, Marchione, McCormick, Paine, Resha, Robinson, and Vache voted aye. Motion carried unanimously (7 - 0).

CANCEL NOVEMBER 2, 2004 REGULAR MEETING OF REDMOND CITY COUNCIL

Motion by Ms. McCormick, second by Mr. Marchione, to cancel the November 2, 2004 Redmond City Council regular meeting. Motion carried (6 - 1) with Cole voting nay.

FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (SEIS) FOR BEAR CREEK PARKWAY EXTENSION

The Mayor, in a memorandum to the Council dated October 19, 2004, recommended approval of the Final SEIS which includes alternative four, an east-west connection to Redmond Way and a northern connection to 161 Avenue NE, as the preferred alternative for the Bear Creek Parkway Extension.

Councilmember Cole said he would not vote to approve the SEIS because of the negative impact on the herons.

Motion by Ms. McCormick, second by Mr. Vache, to approve the Final SEIS for the Bear Creek Parkway Extension, which includes Alternative Four as the preferred alternative. Motion carried (5 - 2) with Cole and Robinson voting nay.

ORDINANCE - ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS, FACILITY-RELATED ELEMENTS

The Mayor, in a memorandum to the Council dated October 19, 2004, advised that this proposal continues to emphasize the importance of ensuring that adequate facilities and services are provided to support the city's vision and land use plan, and recommended approval of the ordinance.

Councilmember McCormick questioned Policy CF-12 on page 13, Capital Facilities, regarding functional allocation of

Capital Investment Program (CIP) dollars. She thought the Council designated a five-year time period. Several other Councilmembers agreed.

Terry Marpert, Principal Planner, said if a project does not meet concurrency there are alternatives; e.g. phasing, alternate funding sources, re-assessing the land use, or level of service standard, so there is some level of flexibility.

There was a general discussion with staff concerning level of service, mitigation, and affordability issues.

Motion by Mr. Cole, second by Mr. Resha, to adopt Ordinance No. 2230, amending Comprehensive Plan Amendments as recommended by the Planning Commission, and including the following changes:

- Language suggested by Councilmember Paine as read by James E. Haney, City Attorney, regarding Policy CF-12, to change the last sentence to read, "Review the percentage allocation, preferably in every off-year after the biennial budget process, but at least every five years".
- Verbiage suggested by Lori Peckol, Senior Planner, for Policy UT-70.5 after, "recognize the importance to businesses, residents, and visitors of access to the Internet, and support efforts to provide...", insert "affordable, high-speed, wireless Internet access citywide".

Ordinance No. 2230, amending the Redmond Municipal Code and the Redmond Community Development Guide to repeal existing Comprehensive Plan Elements (Annexation and Intergovernmental Planning, Parks and Recreation, Transportation, Utilities, and Capital facilities), add new Comprehensive Plan Elements (Annexation and Regional Planning; Parks, Recreation and Arts; Participation, Implementation and Evaluation; Transportation; Utilities; and Capital Facilities), and revise sections of existing Comprehensive Plan Elements (Goals, Vision and Framework Policies) (L040232), and establishing an effective date, was presented and read.

Upon a poll of the Council, Cole, Marchione, McCormick, Paine, Resha, Robinson, and Vache voted aye. Motion carried unanimously (7 - 0).

PUBLIC HEARING - 2005-2006 BUDGET AND CAPITAL INVESTMENT PROGRAM
(CIP)

The Mayor opened the public hearing at 8:05 p.m.

Christine Hoffman, Chief Executive Officer, Greater Redmond Chamber of Commerce, asked that clarification and additional information be provided in the budget of where business tax dollars are expended to support business. She said the Business Tax/Transportation Improvements Advisory Committee (BTII) membership is in favor of holding the rate at the current level.

Councilmember Cole stated he was contacted by a constituent requesting another opportunity for people to comment after the changes to the budget are made and before it is approved by the Council.

It was noted that another opportunity for the public to comment is on November 16, 2004, or via email to the Mayor and/or Council.

Hearing no further testimony, the Mayor closed the public hearing at 8:10 p.m.

PUBLIC HEARING - PERRIGO HEIGHTS: SENSITIVE AREAS EXCEPTION FOR
SEWER LINE THROUGH STEEP SLOPES (QUASI-JUDICIAL)

James E. Haney, City Attorney, stated that the Council will only be considering issues specifically relating to the exception tonight.

Mr. Haney asked the Council to make any disclosures based on appearance of fairness issues to address any challenges before the hearing begins.

Councilmember McCormick disclosed the Council's receipt of a document from Foster Pepper Shefelman, attorneys for the applicant, which she forwarded to the Mayor, Planning and Community Development Director, and City Clerk, and communications from the following citizens: Miguel Llanos, Greg Misenar, Laura John, Richard Crinzi, Ajay Ramachandran, Richard Morris, Julia Brand, Susan Wegmann, and Bob Yoder.

In addition to Councilmember McCormick's disclosure, Councilmembers Cole, Paine, Marchione, Robinson, and Vache disclosed that they read some of the communications, and some they did not read when they saw the subject line. In addition, they noted that they are familiar with the area.

Councilmember Robinson disclosed that he walked the site once about ten years ago.

Councilmember Cole disclosed that he is acquainted with the attorneys on both sides.

Councilmember Vache disclosed that he is acquainted with one of the attorneys.

Councilmember Resha disclosed he is the parent of a student at Horace Mann Elementary, and knows numerous individuals through that affiliation.

Mr. Haney asked did anyone in the audience wish to challenge the ability of any Councilmember to be able to sit in these proceedings and render a decision, based on the disclosures. There were no objections or challenges.

Geoffrey Thomas, Senior Environmental Planner, gave a brief overview of the proposed development in a PowerPoint presentation, reviewing the history of the Perrigo Heights Sensitive Areas Exception request to allow a sewer line to be installed across a Type IV Steep Slope. As outlined in a memorandum to the Council dated October 19, 2004, Mr. Thomas said staff recommends continuing the public hearing to a specific date and time, allow for a site visit, and at the conclusion of the site visit to close the public hearing and schedule Council action at the November 16, 2004 regular meeting of the Redmond City Council.

The following individuals spoke in support of the proposal:

John Harkness, Camwest Development, 9720 NE 120 Place, Suite 100, Kirkland 98034

Michael Matheson, civil engineer with Triad Associates, 11814 115 Avenue NE, Kirkland 98034

Kurt Merriman, engineer with Associated Earth Sciences, 911 Fifth Avenue Suite 100, Kirkland 98033

Dave Kaiser, 6830 NE 185 Street, Kenmore 98028, Engineering Director, Northshore Utility District, speaking about sewer lift stations

Jeff Cox, landscape architect with Triad Associates, 11814 115th Ave NE, Kirkland 98034

Gary Schultz, 7700 South Lakeridge Drive, Seattle 98178, wetland/forest ecologist

Chad Armour, Chad Armour LLC, 6500 126th Avenue SE, Bellevue 98006, speaking on habitat issues

Marsha Martin, Foster Pepper Shefelman, 1111 3rd Avenue Seattle 98101, representing CamWest Development

The following individuals spoke in opposition to the proposal:

Richard Grubb, 17134 NE 84 Street

Lisa Tracy, 16415 NE 107 Place

Bob Yoder, 10019 169 Avenue NE

Julia Brand, 17028 NE 100 Street

Celine McKeon, 15127 NE 24 #389, Ms. McKeon presented the Council with a letter from her attorney, Richard Aramburu, dated October 19, 2004, and submitted a petition to the City Clerk.

Laura John, 9528 167 Avenue NE

Mike Town, Duvall 98019, Redmond High School science teacher

RECESS

The Mayor declared a recess at 9:30 p.m. The meeting reconvened at 9:40 p.m.

ANNOUNCEMENT

The Mayor encouraged the audience to provide input to the Planning Commission on the Critical Areas Ordinance as that body begins its work. The Planning Commission meets on Wednesday nights at 7:00 p.m.

PUBLIC HEARING - PERRIGO HEIGHTS: SENSITIVE AREAS EXCEPTION FOR SEWER LINE THROUGH STEEP SLOPES (quasi-judicial) (continued)

The following individuals spoke in opposition to the proposal:

Glenn Langer, 9571 173 Place

Joe Flynn, 9914 182 Court NE

Bill Aloof, 18024 NE 99 Court

Katy Catlin, 17109 NE 98 Court

Denis Villeneuve, 16147 NE 112 Street

Robert Kemper, 9709 178 Place NE

Carol DeCoursey, 8209 172 Avenue NE

Bon Wong, 9705 174 Court NE

Beth Daynes, 18139 NE 99 Way

Craig Hanson, 16808 NE 107 Street

Darrin Hatakeda, 9641 174 Place NE

Tom Flynn, 17902 NE 101 Court

Heather Young, 8604 173 Avenue NE

Anthony Ellis, 8653 Avondale Road #C-105

Patty Margeson, 16135 NE 112 Street

The Council asked staff to respond to questions from speakers about exceptions granted to CamWest.

In response to the Council, Roberta Lewandowski, Planning and Community Development Director, explained that by law, an exception can be requested to remove a Landmark Tree.

Ms. Lewandowski responded to issues raised during testimony regarding the issue of exceptions:

- o So far, the only exception granted was in the plat that was approved several weeks ago to remove fifteen

Landmark Trees (thirty inches or more in diameter). She explained that the city looks at whether there would be reasonable use of the property if the trees were retained.

- o With this site, forty percent of the slopes are undevelopable. If the soils are stable and the slopes on the rest of the site do not propose a danger, then the Council does not have a basis for denying the exception.
- o There will be retaining walls, but none of them will be over eight feet in height, which would put that into the exception process. She said staff is not sure higher walls are necessary, so has not granted an exception.
- o CamWest has not, at this time, applied for the grading permit. The city's policy on grading says the only area of the site that can be graded is what has been approved for development. The 7.75 acres approved for development is the part of the site that would be graded. There will not be any building on the Class IV slopes.
- o The twenty-five foot setback versus fifteen feet or ten feet is not an exception. Twenty-five feet is automatic; fifteen feet or ten feet is a performance standard. Best available science says ten feet should be the standard, but Redmond's rule is twenty-five feet. If a study shows that the slope is stable, the applicant can build closer to the top of the slope.
- o So far, one exception has been granted.

The Mayor noted that the attorney for the applicant, as well as others who have already spoken, would like to provide further testimony. She asked how the Council would like to proceed. There was consensus of the Council to listen to others who wish to speak, limiting comments to two minutes.

The following individuals spoke for a second time in support of the proposal:

Kurt Merriman

Michael Matheson

Jeff Cox

Marsha Martin

The following individuals spoke in opposition of the proposal:

Glen Langer

Julia Brand

Lisa Tracy

Cassidy Warner, 17609 NE 92 Court #1

Bob Yoder

Bill Aloof

The Mayor asked the Council whether it planned to visit the site.

Motion by Mr. Robinson, second by Mr. Vache, to continue the public hearing to a specific time and date to allow for a field visit, and at the conclusion of the site visit, close the public hearing and schedule action on this item at the November 16, 2004 Council meeting. Motion carried unanimously (7 - 0).

There was consensus of the Council to schedule a site visit on either Saturday, November 6, or Sunday, November 7, 2004. The Council indicated it would accept written testimony through November 11, 2004.

James E. Haney, City Attorney, pointed out that site visits can be problematic because of the inability to make a clear record. Having said that, he recommended the following ground rules for the site visit:

- The Council should visit the site as a group.
- No public testimony will be taken at the site, but there will be access for the public, since the hearing is still open.
- There should be no discussion amongst the Council at the site, since the hearing is still open.
- The site visit will be videotaped to show what areas of the site the Council saw, and as a record of the visit.

Councilmember McCormick asked if the Council was permitted to provide staff a list of the Council's questions on the testimony heard tonight, and have staff respond to the questions. Mr. Haney advised that if the hearing is open, it would be permissible for the Council to ask questions and for staff to offer answers.

Clerk's note: In order to allow staff to respond to Councilmembers questions, and the applicant and citizens to comment on written testimony received, the public hearing was continued to the November 16, 2004 meeting.

CONTINUE MEETING PAST 11:00 PM

Motion by Mr. Cole, second by Ms. McCormick, to continue the meeting past 11:00 p.m. Motion carried (6 - 1) with Robinson voting nay.

OMBUDSMAN REPORT

Councilmember Vache received a question about keeping the City Council minutes updated on the city's website, and advised that staff responded to the question.

Councilmember Vache received an inquiry about the results of the Redmond City Council's joint meeting with the Sammamish City Council. He said staff provided a response.

Councilmember McCormick received three complaints regarding the lack of maintenance on West Lake Sammamish Parkway during the first phase of the construction project. Danny Hopkins, Parks and Recreation Department Director, responded that a number of new projects have come on board that include landscaped medians which did not include funds for ongoing maintenance. He acknowledged that the West Lake Sammamish Parkway project is the most evident because of the timing of the construction, and that issue can be resolved on a short-term basis, but the long-term issue of the additional funding for median care has yet to be addressed.

Councilmember Robinson said he previously brought up the issue, and expressed concern about the lack of basic maintenance on one of the busiest roads in the city. He asked if this issue would be part of the budget discussions. The Mayor replied on October 21, 2004, the Council will be reviewing the Fire, Police, and Parks CIP, and there will be an opportunity for conversation about expenditures, maintenance, the cost of doing business, and the kind of community the Council envisions.

Councilmember Marchione was approached about safety concerns at 140 Avenue and NE 80 Street. He forwarded the concern to Public Works Department staff for a response.

APPEAL L040312; T.I.A.A. AND CB RICHARD ELLIS APPEAL OF HEARING EXAMINER'S DECISION TO DENY APPEAL OF ADMINISTRATIVE LAND USE DECISION (quasi-judicial)

Molly Lawrence, speaking on behalf of T.I.A.A. (Teachers' Insurance and Annuity Association) and CB Richard Ellis, said T.I.A.A. owns the Westpark Business Center, and CB Richard Ellis manages the property. She gave an overview of the Westpark Business Center, which, when full, houses about two-thousand people in various businesses. She said

Westpark is currently twenty-five percent vacant. She reported that the property manager receives calls from potential tenants that seem like a logical fit, but have been told by the Planning and Community Development Department that the tenants have to be turned away, which is making it difficult for Westpark to fill vacancies as well as less desirable for the current tenants.

Ms. Lawrence said a potential tenant, Dr. Berry, is interested in leasing approximately five-thousand square feet of space for his expanding chiropractic practice. She and Mr. Ellis looked at the code and concluded the code would permit this use in Westpark. However, staff and the Hearing Examiner indicated that chiropractic uses are not permitted in Westpark, and that is what prompted this appeal.

Ms. Lawrence said T.I.A.A. is asking the Council for relief to permit Dr. Berry to locate in Westpark, and to help Westpark by interpreting the Community Development Guide to permit chiropractic and other services in Westpark.

Ms. Lawrence presented the following technical points:

- Chiropractic uses are not specifically called out in the code; it could be interpreted either as a Professional Service or as a Convenience Service use.
- Purpose statement of the Business Park zone. The code says:
 "A chiropractor's office and other professional services would support and complement the existing office, research and development, and manufacturing uses that currently exist in Westpark. It would also be consistent with the goal of internalizing vehicle trips and providing needed support services within close proximity to other Business Park uses."

Ms. Lawrence said they request the Council to look at the code and the land use chart, and interpret it as it is written.

Ms. Lawrence offered several reasons for granting the appeal:

- Community Development Guide Section 20C.60.20-020(3) states, "Uses similar to those listed may be established as permitted or conditionally allowed through the interpretation procedure entitled 20.F - Administrative Procedures." The section could be used to permit the chiropractic use in Westpark, and require a compatibility review through the city's Technical Committee.

- Westpark is not asking to be exempted from the city's development restrictions, it would still be required to meet all of the other development regulations (i.e. parking, traffic). If the use is permitted, it is asking for the opportunity to meet those restrictions.
- No one has spoken against this; instead, a number of businesses in Westpark are supportive of a chiropractor's office.

Councilmember McCormick disclosed that she received a communication from Ms. Lawrence of Buck & Gordon that she forwarded to the City Clerk and the Planning and Community Development Director.

Councilmember Resha disclosed that in addition to receiving the correspondence from Buck and Gordon, Westpark is a member of Greater Redmond Transportation Management Association (TMA). He added that as in previous situations, his compensation is not dependent upon any performance, nor has he had any communication with either T.I.A.A. or Westpark.

Roberta Lewandowski, Planning and Community Development Director, said if the Council wishes to change the uses allowed in the zone, a planning process would be required. She explained that it is not a compatibility issue, it is a reservation system for manufacturing, research and development, and limited personal services (i.e. typing services). Therefore, to allow the use on an interpretation because some footnotes might be wrong would have sweeping implications by opening up the rest of the code where footnotes are used extensively to try to limit the uses in the zone. She said the Council did allow spots of Professional and Retail uses in the Willows/Rose Hill neighborhood, and spots of Convenience/Commercial in Overlake, but did not allow every vacant space to be opened to Medical, Retail, or Office.

Motion by Mr. Paine, second by Mr. Vache, to uphold the Hearing Examiner's decision on appeal L040226, and adopt the Hearing Examiner's conclusions and findings of fact. Motion carried unanimously (7 - 0).

SCHEDULE MEETING WITH THE STRATEGIC LEADERSHIP TEAM (SLT) REGARDING BUDGET ISSUES

There was consensus of the City Council to schedule an all-day meeting on Wednesday, November 3, 2004, to meet with the Strategic Leadership Team to discuss the functions the city performs in relation to the proposed budget.

October 19, 2004

ADJOURNMENT

There being no further business to come before the Council,
the Mayor declared the meeting adjourned at 11:40 p.m.

MAYOR

DEPUTY CITY CLERK